

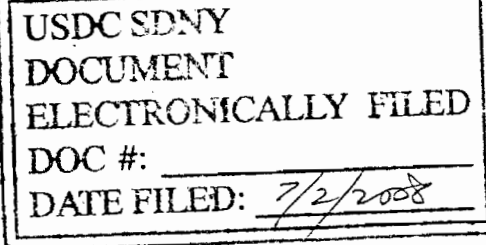


MEMO ENDORSED

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June 20, 2008

Honorable Deborah A. Batts  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2510  
New York, New York 10007



Re: *Michael Johnson v. City of New York, et al.*, 04-Civ-06858 (DAB)

Your Honor:

I am an attorney associated with The Bronx Defenders, a non-profit public interest law firm, and I represent the plaintiff in the above-referenced action. At Your Honor's request, I write to update the Court on the status of this case and request a preliminary conference.

The Amended Complaint in this action, arising from the unlawful assault, detention, arrest, prosecution, and strip search of Mr. Johnson, names the City of New York, P.O. Jose Frias, Lt. Valentino Avallone, and P.O. Rodriguez as defendants. Plaintiff has served all defendants except P.O. Rodriguez. The parties have been attempting to identify P.O. Rodriguez for service but have failed.

Plaintiff agrees to withdraw his claims against the unidentified P.O. Rodriguez and requests that the Court schedule a preliminary conference in July.

Thank you for your consideration of this request.

*Complaint dismissed as to  
"P.O. Rodriguez".*

Sincerely,

*[Signature]*  
J. McGregor Smyth, Jr. (JS-9995)  
Attorney for Plaintiff

SO ORDERED

Cc: David Hazan, Assistant Corporation Counsel  
VIA FAX: (212) 788-9770

*[Signature: Deborah A. Batts]*  
DEBORAH A. BATTS  
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED

